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\*N.Y. BAR ONLY

October 10, 1989

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OCT 10 1989

IEPA/DLPC

## FEDERAL EXPRESS

William C. Child, Manager  
Illinois Environmental Protection Agency  
Division of Land Pollution Control  
2200 Churchill Road  
Post Office Box 19276  
Springfield, Illinois 62794-9276

Re: Request for Information, Sauget Sites I & II

Dear Mr. Child:

Enclosed please find a response to the Requests for Information dated August 7, 1989 from your office to Cerro Copper Products Co. ("Cerro Copper").

Cerro Copper hereby asserts a claim of confidentiality for the enclosed documents and data, including the reports and analyses, bills from the POTW and the POTW user agreement, pursuant to Title 35, §161.501 of the Illinois Administrative Code. In making this confidentiality claim, Cerro Copper waives the statutory deadlines for agency decisions in accordance with the provisions of Title 35, §161.501(a)(3)(B).

We wish to emphasize Cerro Copper's willingness to continue to fully cooperate with IEPA in the resolution of this matter.

Very truly yours,

*Anne Conley-Pitchell*

Anne Conley-Pitchell

ACP:jp

RESPONSE TO AREA I INFORMATION REQUEST

Preliminary Statement

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Cerro Copper Products Co. ("Cerro Copper") provides the following information in response to IEPA's request dated August 7, 1989. Cerro Copper is providing this information in furtherance of its cooperative efforts with IEPA to address conditions in the Sauget area. In that spirit of cooperation, Cerro Copper has chosen not to raise objections to specific questions. These responses, however, do not constitute, and should not be construed as a, waiver by Cerro Copper of any objections it might have to these requests or any future such requests. In addition, neither the submission of these responses or documents, or the information contained within them, shall constitute or be misconstrued as an admission of law or fact by Cerro Copper.

These responses relate to property within Area I owned by Cerro Copper presently: Site I and Creek Segment A, comprising the fenced plant property bounded by Illinois State Route 3 on the west, Fallings Springs Road on the east, Queeny Avenue on the south and the Alton and Southern Railway right-of-way to the north, and approximately ¼ to 1 acre triangular portion of Site G,

After diligent inquiry Cerro Copper has discovered no information or documents that even suggest that any waste materials or substances generated at Cerro Copper were ever transported to, treated, stored or disposed of at that small portion of Site G that Cerro Copper does own or at other sites within Area I that are not owned by Cerro Copper. Therefore, the following responses relating to waste material or substances that Cerro Copper may have generated relate to possible transport to, treatment, storage or disposal at, the Cerro Copper owned property at Site I and Creek Segment A.

1. After diligent inquiry, Cerro Copper has discovered no documents responsive to this request. The only waste materials from Cerro Copper deposited in the above described area were internally generated construction debris, broken concrete, blast furnace slag, excess dirt from excavations within the plant, furnace brick and similar rubble which was deposited in Site I, and certain process wastewater that was directed to Creek Segment A. Because these materials were internally generated and disposed of on company-owned land, there were no shipping documents. Any internal business records that might have referred to this material have been destroyed pursuant to normal business practice.

2. Construction debris, broken concrete, blast furnace slag, excess dirt from excavations within the plant, furnace brick and similar rubble were deposited in Site I. No analysis of this material is available, however, it is not expected to contain hazardous substances, except for the blast furnace slag and furnace brick which might have contained trace amounts of some metals. Cerro Copper is providing copies of Material Safety Data Sheets ("MSDS") for the furnace brick.

Prior to construction of a process water interceptor sewer in 1965, portions of Cerro Copper's process wastewater, sanitary wastewater, and stormwater flowed to Creek Segment A. No analysis of this material is available, however, the process wastewater may have contained metals as well as nonmetallics such as chlorides and calcium. The quantities of these substances that may have been in the process wastewater discharged to Creek Segment A are unknown. The wastewater analyses that are being provided are not from the period when portions of Cerro Copper's process wastewater flowed to Creek Segment A. Because Cerro Copper now captures and reuses process water, these analyses likely contain concentrations or constituents orders of magnitude greater than what may

have been discharged to Creek Segment A in Cerro Copper's process wastewater.

3. After diligent inquiry, Cerro Copper has determined that information regarding the volume of either construction debris going to Site I or wastewater and stormwater going to Stream Segment A was not recorded, therefore volumetric information is not available.

Disposal of Cerro Copper's construction debris, broken concrete, excess dirt from excavations, furnace brick and similar rubble at Site I has occurred infrequently since 1964.

Disposal of blast furnace slag began in approximately 1966 and was discontinued in 1969.

It is unknown exactly when the wastewater containing portion of the plant's process wastewater, sanitary wastewater and stormwater first flowed into Creek Segment A but it may have been as early as 1928. In 1965, a process water interceptor sewer was constructed. This interceptor sewer transmits the process water to the Village of Sauget sewer system through a junction structure at the north end of Creek Segment A, which substantially eliminated process wastewater discharge to

Dead Creek. This junction made Dead Creek an integral part of the Village of Sauget sewer system, as Dead Creek became the intended area for overflow from the system during storm events.

4. In-plant hauling equipment (dump trucks) were used for a majority of the movement of construction debris, etc. to Site I. Outside construction contractors' trucks occasionally were used for transporting debris, excavated dirt, broken concrete etc. incidental to their work at the plant.

5. As discussed in response 4, the majority of material movements were done by in-plant hauling equipment. After diligent inquiry, records relating to the occasional transport of in-plant materials by outside contractors could not be located and Cerro Copper has no information to identify such contractors.

6. These materials were not analyzed, therefore no records exist which indicate the chemical composition. Similarly, MSDS sheets do not exist for such materials, except for furnace brick, which are attached.

7. Without exhaustive effort and considerable time, Cerro Copper cannot give detailed information

regarding insurance that might provide coverage for waste materials and substances during the time covered in the request. Cerro Copper can make the following general statement. Throughout the time covered in the request, Cerro Copper had various arrangements for primary and excess general liability coverage with numerous insurance carriers. In some years primary coverage was provided by one carrier, with the company providing self-insurance for part of its excess coverage and other carriers providing other portions of excess coverage. In other years, the company was self-insured for its primary coverage with other carriers providing various levels of excess coverage. In some years these various arrangements included over 70 different carriers at various levels of coverage participation. These policies may provide coverage for activities covered in IEPA's request.

Due to the extraordinary complexity of the insurance coverage arrangements Cerro Copper cannot provide more specific information without significant effort. If IEPA wishes more specific information, Cerro Copper will need a substantial extension of time to provide a response.

8. See Preliminary Statement. Because Cerro Copper's diligent inquiry has revealed no information or documents concerning disposal of Cerro Copper waste mate

rial or substances at locations in Area I other than Site I and Creek Segment A while Cerro Copper owned those properties, Cerro Copper is unaware of any transactions or agreements between it and owners of property in Area I.





CERRO COPPER PRODUCTS CO.

P.O. Box 66800  
St. Louis, MO 63166-6800  
618/337-6000

CERTIFICATION OF ANSWERS  
TO REQUEST FOR INFORMATION

State of Illinois

County of St. Clair

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this response to IEPA Request for Information and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Paul Tandler  
Vice President  
Cerro Copper Products Co.

Sworn to before me this 4<sup>th</sup>  
day of October, 1989.

  
Notary Public

A member of The Marmon Group of companies

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**Response to AREA II Information Request**

**Preliminary Statement**

Cerro Copper Products Co. ("Cerro Copper") provides the following information in response to IEPA's request dated August 7, 1989. Cerro Copper is providing this information in furtherance of its cooperative efforts with IEPA to address conditions in the Sauget area. In that spirit of cooperation, Cerro Copper has chosen not to raise objections to specific questions. These responses, however, do not constitute, and should not be construed as, a waiver by Cerro Copper of any objections it might have to these requests or any future such requests. In addition, neither the submission of these responses or documents, or the information contained within them, shall constitute or be misconstrued as an admission of law or fact by Cerro Copper.

After diligent inquiry Cerro Copper has discovered no information which indicates that Cerro Copper transported, stored, or disposed of any waste material in Area II.

Cerro Copper's wastewater is discharged into the municipal sewer system of the Village of Sauget and treated at the Sauget POTW, together with the wastewater from other Sauget industries (Monsanto, Mobil Oil, Big River Zinc (formerly known as American Zinc and Amax Zinc), Ethyl Petroleum Additives (formerly known as Edwin

Cooper Co.), Midwest Rubber, Sterling Steel, Rogers Cartage, Clayton Chemical Co.) and the residential community. The POTW arranged for the solids and skimmings from a primary treatment plant, for a period of ten years (1967-1977), and for the sludge, for a period of 3 to 4 years (1977-1980), that it generated to be stored or disposed of on its land located in Area II. Cerro Copper does not have any information as to whether the solids and skimmings or the sludge contained any of the materials in its wastewater. Other than the possibility that during this period the solids and skimmings or the sludge that were deposited in Area II may have contained some of Cerro Copper's material, Cerro Copper has discovered no information indicating that material from Cerro Copper was deposited in Area II and Cerro Copper neither arranged for, transported to, stored or disposed of at Area II any material or substances. Cerro Copper's responses below are, therefore, limited to activities of the POTW and its practices with regard to handling of wastewaters of Cerro Copper and others.

1. Enclosed are copies of the 1974 User Agreement between Cerro Copper and the Sauget POTW, as well as bills from the POTW to Cerro Copper for the period 1971-1980. After diligent inquiry Cerro Copper could not locate any bills for the period prior to 1971.

2. After diligent inquiry Cerro Copper has discovered no information regarding the chemical composition of the sludge deposited in Area II. The sludge could contain wastes from any of the other Sauget industries as well as private residences and might contain materials from Cerro Copper's wastewater. Cerro Copper's wastewater contained the following constituents: Metals; oil and grease; suspended and dissolved solids; chlorides; and sulfates (see enclosed analyses).

3. See Report dated January 4, 1971 attached. Cerro Copper has no independent knowledge of the volume of wastewater sent to the POTW from 1967 to 1980. Some of the bills from the POTW that are enclosed contain estimates of wastewater and sludge volumes. After diligent inquiry, Cerro Copper has determined that the wastewater volumes reflect direct measurements for some months but are only estimates for other months while the sludge volumes were merely theoretical estimates used for billing purposes only and were not direct measurements. With regard to the time period, as discussed previously, other than the 1967-1980 period when solids and skimmings or sludges that might contain Cerro Copper's waste were land-filled at Area II, Cerro Copper discovered no documents indicating that other materials from Cerro Copper were deposited at Area II.

4. Cerro Copper did not arrange for the sludge or the solids and skimmings (that might contain Cerro Copper's waste) to be deposited in the lagoons. Cerro Copper's wastewater was sent to the POTW, via sewer lines, pursuant to the 1974 User Agreement, which is enclosed.

5. Not applicable since sewer lines were used.

6. Reports responsive to this request are enclosed.

7. Without exhaustive effort and considerable time, Cerro Copper cannot give detailed information regarding insurance that might provide coverage for waste materials during the time covered in the request. Cerro Copper can make the following general statement. Throughout the time covered by the request, Cerro Copper had various arrangements for primary and excess general liability coverage with numerous insurance carriers. In some years primary coverage was provided by one carrier, with the company providing self-insurance for part of its excess coverage and other carriers providing other portions of excess coverage. In other years, the company was self-insured for its primary coverage with other carriers providing various levels of excess coverage. In some years these various arrangements included over 70 different carriers at various levels of coverage participation.

These policies may provide coverage for activities covered in IEPA's request.

Due to the extraordinary complexity of the insurance coverage arrangements, Cerro Copper cannot provide more specific information without significant effort. If IEPA wishes more specific information, Cerro Copper will need a substantial extension of time to provide a response.

8. See the enclosed 1974 User Agreement and bills from the Sauget POTW.



CERRO COPPER PRODUCTS CO.

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CERTIFICATION OF ANSWERS  
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County of St. Clair

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this response to IEPA Request for Information and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Paul Tanner  
Vice President  
Cerro Copper Products Co.

Sworn to before me this 4<sup>th</sup>  
day of October, 1989.

  
Notary Public